

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

AGENDA FOR SPECIAL CITY COUNCIL MEETING

October 16, 2006
10th Floor Conference Room, City Hall
4:00 p.m.

AGENDA: Question and answer session with staff on the items listed on the Agenda posted for the Regular City Council Meeting of Tuesday, October 17, 2006. No deliberations among the Council members will be held and no action will be taken during this meeting on the items posted on the Agenda.

AGENDA FOR REGULAR CITY COUNCIL MEETING

October 17, 2006
Council Chambers, City Hall
8:30 a.m.

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

8:30 a.m.: Roll call and Executive Session*
9:00 a.m.: Invocation and Pledge of Allegiance
9:00 a.m.: Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

Invocation – Police Chaplain Clift Barnes
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

- 1. TRIBUTE TO JERRY P. RAINEY WEEK**
- 2. NATIONAL MAKE A DIFFERENCE DAY**

RECOGNITIONS

- 1. THE MAYOR'S 100 TEENS**
- 2. PLAQUE TO CHAD MICHAUD**
- 3. CERTIFICATES OF RECOGNITION TO STUDENTS FROM CHAPIN HIGH SCHOOL**

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

- 1. APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meeting of October 10, 2006, and the Special City Council Meeting of October 9, 2006 (Agenda Review).

- 2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

- 3. RESOLUTION(S):**

That the Mayor be authorized to sign the Rio Grande Council of Government Mutual Aid Agreement with the Town of Anthony, Town of Vinton, City of El Paso, County of El Paso, Town of Horizon, City of Socorro, Town of Clint, County of Hudspeth, Dell City, County of Culberson, Town of Van Horn, County of Jeff Davis, City of Valentine, County of Presidio, City of Marfa, City of Presidio, County of Brewster, City of Alpine, and Ysleta del Sur Pueblo Tribe pursuant to Section 418.101 of the Texas Government Code to provide for mutual assistance in managing any emergency or disaster. **(All Districts)**
[Fire, Donald Berger, (915) 771-1009]

- 4. BOARD RE-APPOINTMENT(S):**

4A. Jose Melendez to the Zoning Board of Adjustment, as alternate member, by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]

- 4B.** Martin Raymond Wagner to the City Accessibility Advisory Committee by Representative Eddie Holguin, Jr. [Representative Eddie Holguin, Jr., (915) 541-4178]

5. BOARD APPOINTMENT(S):

- 5A.** Louis Mona to the Information Technology Advisory board by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]
- 5B.** Sandra Chiquito to the Workforce Retraining Advisory Committee by Representative Eddie Holguin, Jr. [Representative Eddie Holguin, Jr., (915) 541-4178]
- 5C.** Jesus Olivas to the Airport Board by Representative Eddie Holguin, Jr. [Representative Eddie Holguin, Jr., (915) 541-4178]

6. BID(S):

The award of Solicitation No. 2006-177, Fire Hose and Fittings, to First In, Inc., Municipal Emergency Services, Inc., Flamebuster Supply/Rowe Industries, and Fire Service Equipment, Inc. for a total estimated award of \$150,000.00.

Department: Fire
Award to: Vendor 1 First In, Inc.
El Paso, TX
Item(s): 1A, 1B, 1C, 1D, 2A, 2B, 2C, and 2D
Option: Vendor 1 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional year(s) if the option is exercised within two (2) years from the date of the award.
Annual Estimated Amount: \$15,000.00

Award to: Vendor 2 Municipal Emergency Services, Inc.
Houston, TX
Item(s): 3A, 4C, 4D, 4E, 4F, 4G, 5A, 5B, 5C, 6A, 6B, 6D, 6E, 8A, 8B, 8C, 8D and 8E
Annual Estimated Amount: \$22,500.00

Award to: Vendor 3 Flamebuster Supply/Rowe Industries
Hope, AR
Item(s): 4A, 4B, 6C, 6F, and 6G,
Annual Estimated Amount: \$2,500.00

Award to: Vendor 4 Fire Service Equipment, Inc.
Rio Rancho, NM
Item(s): 6H, 7A, 7B and 7C
Annual Estimated Amount: \$10,000.00

Total Annual Estimated Amount: \$50,000.00

Account No.: 22010319-503123-22009-01101
Funding Source: Fire Department General Operating Fund-Safety Gear
Total Estimated Award: \$150,000.00
District (s): All

This is a requirements type contract with an initial term of thirty-six (36) months.

The Departments of Financial Services and Fire recommend award as indicated to the lowest responsive, responsible bidder. [Financial Services, Terrence Freiburg, (915) 541-4313]

7. FIRE DEPARTMENT:

Request that the City Of El Paso accept the tested and approved fire hydrants listed on Attachment A to provide adequate fire protection to existing and new areas.

(All Districts) [Fire, Roberto Rivera, (915) 771-1000]

8. PERSPECTIVA + 3D/I:

8A. Recommendation to transfer \$500,000 from the Westside Community & Recreation Center to the Parks Contingency Fund based on savings in the construction contingency project. **(District 1)**

[Perspectiva + 3D/I, Veronica Harris, (915) 225-3451]

8B. Recommendation to Council to authorize the transfer of \$400,000 from the Parks Contingency Fund to the Pavo Real Pool Improvements Project to allow contract to be awarded due to unfavorable construction bids received on 08/23/06. **(District 6)**

[Perspectiva + 3D/I, Veronica Harris, (915) 225-3451]

REGULAR AGENDA - INTRODUCTIONS

9. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

Public comment typically is not taken during the introduction of ordinances.

Public comments are invited at the date of the scheduled public hearing.

9A. An Ordinance approving the Downtown 2015 Plan as a study area plan to be incorporated into the City's comprehensive Plan, *The Plan for El Paso*, and which study area plan shall amend the Year 2025 General Land Use Map incorporated therein as to the Downtown Area. **(District 8)**

[Development and Infrastructure Services, Patricia D. Adatao, (915) 541-4853]

PUBLIC HEARING WILL BE HELD ON OCTOBER 31, 2006, FOR ITEM 9A

9B. An Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of the Plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended, to delete the proposed Camelot Heights Drive as a minor arterial between Stanton Street and Mesa Drive. Applicant: SBS Development Company, LLC.

(District 1) [Development Services/Planning, Christina Valles, (915) 541-4930]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 7, 2006, FOR ITEM 9B

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8:00 a.m. to 5:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS**10. PUBLIC HEARING(S) – DEVELOPMENT SERVICES**

- 10A.** An Ordinance changing the zoning of Parcel 1: a portion of Lots 2, 3, and 4, Block 8, Rocket Warehouse Park Unit Two; a portion of Lot 1, Block 1, Rocket Warehouse Park Unit Three; and a portion of Tracts 1D1 And 7C, Section 31, Block 80, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas; from C-4 (Commercial) to PR-1 (Planned Residential 1); and Parcel 2: a portion of Tracts 1D1 And 7C, Section 31, Block 80, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, from C-4 (Commercial) to A-M (Apartment and Mobile Home Park). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Dyer Street near Ameen Avenue. Applicant: Cardon and Pratt. ZON06-00054. **(District 4)** [Development Services/Planning, Christina Valles, (915) 541-4930]
- 10B.** An Ordinance changing the zoning of Parcel 1: a portion of Tract 7, H.G. Foster Survey No. 256, El Paso, El Paso County, Texas, from A-O/SC (Apartment/Office/Special Contract) to C-2/SC (Commercial/Special Contract); and Parcel 2: a portion of Tract 7, H.G. Foster Survey No. 256, El Paso, El Paso County, Texas, from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Redd Road, West of Resler. Applicant: River Oaks Properties. ZON06-00027. **(District 1)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 10C.** An Ordinance changing the zoning of Lots 3 through 9, a portion of Lot 10, Lots 11 through 32, and the vacated alley, Block 3, Rosemont Addition; Lot 38, Block 34, Military Heights and vacated portion of Oklahoma Street, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to A-2 (Apartment) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Morehead Avenue and Oklahoma Street. Applicant: Fitz Properties. ZON06-00081. **(District 2)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 10D.** An Ordinance granting Special Permit No. ZON06-00080 to allow for a Planned Residential Development on the property described as Lots 3 through 9, a portion of Lot 10, Lots 11 through 32, and the vacated alley, Block 3, Rosemont Addition; Lot 38, Block 34, Military Heights and vacated portion of Oklahoma Street, City of El Paso, El Paso County, Texas, pursuant to Section 20.12.040 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Morehead Avenue and Oklahoma Street. Applicant: Fitz Properties. ZON06-00080. **(District 2)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 10E.** An Ordinance granting Special Permit No. ZON06-00075 to allow for a parking reduction on the property described as Tract 9F3, Block 2, Ascarate Grant, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 1505 Mescalero Drive. Applicant: Centro de Salud Familiar La Fe Care Center. ZON06-00075. **(District 3)** [Development Services/Planning, Melissa Granado, (915) 541-4730]

- 10F.** An Ordinance changing the zoning of a portion of Tract 1B5B, S.J. Larkin Survey 266, El Paso, El Paso County, Texas, from R-3A (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Northeast corner Resler at Helen of Troy Drive. Applicant: Hunt Communities, Holding, L.P. ZON06-00090. **(District 1)**
[Development Services/Planning, Stephen Schlett, (915) 541-4935]

11. PUBLIC HEARINGS - PENSION ADMINISTRATION:

An Ordinance amending Chapter 2.64 of the El Paso Municipal Code (City Employees' Pension Fund) to allow other entities, including the El Paso City-County Health and Environmental District, to adopt the City Employees' Pension Fund. **(All Districts)**
[Pension Administration, Robert Ash, (915) 541-4765].

REGULAR AGENDA – OTHER BUSINESS

12. PENSION ADMINISTRATION:

Discussion and action on a Resolution whereby the City of El Paso approves of and consents to the adoption by the El Paso City-County Health and Environmental District of the City Employees' Pension Fund. **(All Districts)**
[Pension Administration, Robert Ash, (915) 541-4765]

13. MAYOR AND COUNCIL:

- 13A.** Discussion and action regarding the appeal by Dale W. McNutt of "Club Helios" at 416 E. Rio Grande for the sale of alcoholic beverages due to the business' proximity to a day care in accordance with Section 20.08.090(B) .4 of the El Paso Municipal Code. **(District 8)** [Mayor John F. Cook, (915) 541-4145]

- 13B.** Discussion and action to extend the warning period for the red-light cameras for 45 days, or 30 days after the last camera is installed, whichever is later. This extended grace period should be used to conduct a public education campaign to correct misinformation that has been disseminated in the recent past, as well as to provide City Council with an opportunity to address questions raised by the public, including but not limited to:

1. safety issues;
2. placement and locations of cameras;
3. fairness issues
4. distribution of proceeds from the tickets generated by the cameras;
5. and other misrepresentations

by Representative Jose Alexandro Lozano as supporting agent and/or sponsor for Mr. Larry Wilder. [Representative Jose Alexandro Lozano, (915) 541-4515]

- 13C.** Discussion and action regarding the City of El Paso co-sponsoring the West Texas Confederation of Clubs regarding:

1. Obtain a one-time special permit for a procession to take place on city streets on November 5, 2006, for the purpose of collecting toys from the public to give to children at Christmas time;
2. To allow them to continue their procession for a 24-25 miles distance as they have done for the past 25 years;
3. Review of the charges to the West Texas Confederation of Clubs from the City of El Paso for a 5-mile procession as opposed to a 24-mile procession;
4. Payment of the difference [approximately six hundred dollars (\$600)] through discretionary funds from District 3 and other districts wanting to assist. [Representative Jose Alexandro Lozano, (915) 541-4515]

14. COMMUNITY AND HUMAN DEVELOPMENT:

- 14A.** Reappointment of Dr. James Herendeen and Mr. Gilbert Carrasco to the El Paso Community Mental Health/Mental Retardation Center Board of Trustees to the terms they are presently holding over in that expire on December 31, 2007.

(All Districts) [Community and Human Development, Nathalie Prise, (915) 541-4643]

- 14B.** Appointment of one person to the El Paso Community Mental Health/Mental Retardation Center Board of Trustees from the below recommendations as ranked by the Community Center Screening Committee.

Professional qualification appointment (one person to fill unexpired term ending December 31, 2006):

Mr. Jerry Romero
Mr. Xavier Bañales
Ms. Cecilia Herrera

(All Districts) [Community and Human Development, Nathalie Prise, (915) 541-4643]

15. DEVELOPMENT SERVICES:

- 15A.** Discussion and action on a Resolution expressing the City of El Paso's intent to create Tax Increment Reinvestment Zone No. 5 to finance public improvements in support of the Downtown Redevelopment Plan; authorizing and directing distribution of a written notice of the City's intention to create the proposed reinvestment zone to each taxing unit that levies a tax in the proposed zone; authorizing the City Manager to schedule a public hearing for the creation of the Reinvestment Zone; authorizing a request to make presentations before certain taxing units; delegation of authority to make presentations and give notice to taxing units of formal presentations to the County and School District; authorizing a request to each taxing unit for the appointment of a representative to meet with the City to discuss the project; authorizing a request to the County and the School District to waive the requirement for 60 days notice prior to the adoption of the ordinance to create Tax Increment Zone No. 5; authorizing a request to each taxing entity to waive participation in the TIRZ board of directors; and delegating authority to call and hold meetings with representatives of each taxing unit. **(District 8)** [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4656]

- 15B.** Discussion and action on Conditional B permit for Tierra Del Este 36 Subdivision.
(District 5) [Development Services, R. Alan Shubert, (915) 541-4557]

16. FINANCIAL SERVICES:

Discussion and action on the request that the Purchasing Manager for Financial Services be authorized to exercise the City's option to extend the current Depository contract with Wells Fargo for two (2) additional years, pursuant to the provisions to an award approved by City Council on December 21, 2004.

Department: Financial Services
Option No.: One [of One]
Annual Estimated Amount: \$584,000.00
Account No.: N/A
Funding Source: Compensating Balances
(All Districts) [Financial Services, Terrence Freiburg, (915) 541-4313]

17. CITY MANAGER:

City Manager's report of current events and issues:

- 17A.** Briefing, recommendation, and direction relative to proposed amendments to Title 18, Sec. 501/02, concerning commercial building numbering, location, character height, and color, etc. [Police Department, Paul Cross, (915) 564-7310]
- 17B.** Status report on the Red Light Camera Pilot.
[Police Department, Paul Cross, (915) 564-7310]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** Claim of Gloria Tellez, Our File No. 06-130/Street. (551.071).
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX2.** Claim of Albert Chavez, Our File No. 06-C-131/SWM. (551.071).
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX3.** Claim of Jaime Moreno/SM/L0048. (551.071).
[City Attorney's Office, John L. Anderson, (915) 541-4550]
- EX4.** Economic Development related negotiations regarding business prospect (ED-BS060710 JLH Ex. 1) and the possible offer of financial or other incentives to the subject prospect. (551.087). [Economic Development, Lucille Ponticelli, (915) 541-4679]
- EX5.** Dr. Jorge Magaña, Our File No. 06-C-107. (551.071).
[City Attorney's Office, Laura P. Gordon, (915) 541-4550]
- EX6.** Permission to file a lawsuit seeking injunctive and other available relief against Mike Nami and any other responsible persons who are illegally dumping fill dirt in a drainage system on City owned property and on/around 5837 Via Cuesta Drive, El Paso, Texas, 79912. (551.071).
[City Attorney's Office, John L. Anderson, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>